

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CODY HART, *et al.*,

Plaintiffs,

v.

SKAGIT COUNTY AUDITOR SANDRA
PERKINS, *et al.*,

Defendants.

CASE NO. 2:23-cv-00404-RSL

ORDER

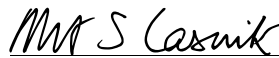
On April 25, 2023, the Court ordered the parties in the above-captioned matter to file their overdue Joint Status Report by May 5, 2023, and to show cause why sanctions should not be imposed for their failure to comply with the Order dated March 27, 2023. Defendants responded immediately with evidence of the efforts they made to cooperate with plaintiffs and to assist them in the timely filing of the joint status report, including emails, letters, and draft reports. Dkt. # 31-1. Despite plaintiffs' unilateral scheduling of the Rule 26(f) conference with less than a week's notice, defendants appeared, as scheduled, through counsel. Plaintiffs, however, refused to confer, apparently on the grounds that Erik Pedersen had not provide written proof that he represented the Skagit County defendants and Frank Harrison had not yet appeared on behalf of RLI Insurance Company in this litigation. Dkt. # 38 at 2. (Mr. Pederson had entered his appearance in this case more than two weeks before the meeting. Dkt. # 6. Plaintiffs had previously

1 conceded that RLI Insurance Company participated in the Rule 26(f) conference. Dkt. # 15
2 at 4.)

3 Plaintiffs continue to insist, based on no evidence whatsoever, that neither Mr.
4 Pederson nor Mr. Harrison was authorized to represent their clients at the Rule 26(f)
5 conference. Even after the Court notified them through the Order to Show Cause that their
6 demands for the personal participation of represented parties and/or copies of written
7 representation agreements were improper (Dkt. # 30 at 1), plaintiffs failed to provide a
8 jointly status report by the extended deadline.¹ Having received virtually no assistance
9 from plaintiffs, the Court will issue a case management schedule along the lines suggested
10 by defendants. The Clerk of Court is directed to issue a scheduling order based on a jury
11 trial in March 2024.

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13 Plaintiffs are again warned that “ignoring a Court order is not acceptable.” Dkt. # 30
14 at 1. Future failures to comply with the Court’s orders may result in the *sua sponte*
15 dismissal of this case.

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17 Dated this 16th day of May, 2023.

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20 Robert S. Lasnik
21 United States District Judge
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25 ¹ The “Joint Status Report” that plaintiff Derrill Fussell filed in response to the Order to Show Cause is signed only
26 by him and generally ignores defendants’ positions as stated in the draft reports defendants provided. *Compare* Dkt.
31-1 at 40-51 *with* Dkt. # 35. The same defects appear to have plagued the “Joint Status Report” Mr. Fussell
unsuccessfully attempted to file on April 17, 2023. Dkt. # 31-1 at 37.